

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

The Office Action Summary correctly indicates that claims 1-5 are pending in the application. Claims 1-5 are under consideration and stand rejected.

Claim 1 has been amended to recite, "said groove extending around said valve seat and defined by an inner side surface, an outer side surface and a bottom surface." Support for the amendments to claim 1 can be found in the specification in at least page 7, lines 1-14.

No prohibited new matter has been introduced by way of the above amendments. Applicants reserve the right to file a continuation or divisional application on subject matter canceled by way of this Amendment.

Rejections under 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Japanese Pat. No. 1-92565 (by which, the Examiner is understood to refer to Japanese Utility Model Publication No. 1-92565). Claim 1 has been amended. Claims 2-5 depend from claim 1. To the extent that the rejection might be asserted against the claims as amended, the rejection is traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 1 as amended recites:

A valve comprising a body having a valve seat formed therein, a bonnet, and a diaphragm abutting against and moving away from said valve seat, said body and said bonnet clamping and holding a peripheral edge of said diaphragm so as to seal the fluid inside said body,

said valve characterized in that said valve further comprises an elastic member, said body is formed with an annular groove, said groove extending around said valve seat and defined by an inner side surface, an outer side surface and a bottom surface, said diaphragm is provided at the peripheral edge thereof with an annular engagement part formed to have an approximate L-shape in cross-section, and said annular engagement part is fitted into said annular groove in a tight state by said elastic member disposed between said bonnet and said annular engagement part of said diaphragm.

Japanese Utility Model Publication No. 1-92565 does not disclose the presently claimed invention. The reference discloses that ring (119) thereof is made of a hard material, which cannot be regarded as an elastic member such as recited in claim 1. Moreover, the step part (117) of the reference does not have an inner side surface and cannot be regarded as corresponding to the groove recited in claim 1.

Furthermore, the design of reference 1 is incompatible with use of an elastic member as recited in claim 1. If an elastic member were to be used in the valve of the reference in place of the hard material ring (119), the press force applied to the ring (119) by partition member (100) and valve body (102) would freely deform the elastic member toward the inner side of the valve such that a sufficient seal performance could not be achieved. Furthermore, if an elastic member were used in place of the hard material ring (119) of the reference, the elastic member could freely deform toward the inner side of the valve and could not provide a lateral press force to the step part. Thus, if the fluid pressure or temperature were to fluctuate, fluid could leak from the valve.

For at least the foregoing reasons, the reference does not disclose the present invention and could not have led one of ordinary skill to the present invention. Accordingly, withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: /Christopher L. North/
Registration No. 50433

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620